

From: [Dam, Matthew](#)
To: [Pimpare, Justin](#)
Subject: RE: Industrial Pretreatment Program Audit Report
Date: Wednesday, March 2, 2022 3:06:04 PM

Thanks Jay. I look forward to hearing from you.

Matt

Matthew Dam
Director, Toxic Reduction and Control (TRAC)
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From: Pimpare, Justin <Pimpare.Justin@epa.gov>
Sent: Wednesday, March 2, 2022 11:35 AM
To: Dam, Matthew <Matthew.Dam@mwra.com>
Subject: [EXTERNAL] RE: Industrial Pretreatment Program Audit Report

[EXTERNAL]: This is an external email. Do not click on links or attachments if sender is unknown or if the email is unexpected.

Thank you Matt. This is very helpful. I will call you early afternoon to follow up.
Jay

From: Dam, Matthew <Matthew.Dam@mwra.com>
Sent: Wednesday, March 2, 2022 11:12 AM
To: Pimpare, Justin <Pimpare.Justin@epa.gov>
Subject: RE: Industrial Pretreatment Program Audit Report

Jay,
We are still reviewing the report and coming up with strategies on each item. Since we are looking into other items at the same time, I wanted to address the South Shore plating TTO certification. When Peter checked the file, he found the report that was listed as missing. See attached

1. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months?

(40 CFR 403.12(e)(1) & (g)(1))

Based on the files reviewed, South Shore Plating did not submit all required self-monitoring reports.

Finding F.7 – South Shore Plating did not submit all required self-monitoring reports

South Shore Plating implements a toxic organic management plan in lieu of performing semi-annual sampling of TTO. The CIU file contained TTO certification statements for 2019 and 2020; however, the CIU did not submit the TTO certification statement for the second half of 2018. Furthermore, the file did not contain evidence that MWRA recognized and took enforcement action for this violation (see Finding G.1 below)

Regulatory Requirement

The federal regulations at 40 CFR 403.12(g)(1) require that "...the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards.... In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User."

The federal regulations at 40 CFR 433.12(a) state "In lieu of requiring monitoring for TTO, the ... Control Authority... may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority." ... For indirect dischargers, the statement is to be included as a comment to the periodic reports required by 40 CFR 403.12(e). If monitoring is necessary to measure compliance with the TTO standard, the industrial discharger need analyze for only those pollutants which would reasonably be expected to be present."

Requirement 7

MWRA is required to ensure that the permittee submits all required self-monitoring reports and TTO certification statements in lieu of sampling for TTO, in accordance with its discharge permit.

1. Has the CA implemented its enforcement response plan (ERP)?

(40 CFR 403.8(f)(5))

MWRA's ERP was last revised in 2017. Based on findings noted above, MWRA did not take enforcement as outlined in the ERP in all instances of SIU noncompliance.

Finding G.1 – MWRA did not take enforcement for all SIU violations.

As noted in Findings F.7 and F.9 above, MWRA did not take enforcement action for all instances of SIU noncompliance. For example, South Shore Plating failed to submit the TTO certification statement for the second half of 2018. In addition, MWRA's CIUs are not submitting certification statements accompanied by the wet-ink signature of an authorized or duly authorized representative with self-monitoring reports. The files did not contain evidence that MWRA recognized and took enforcement action for these violations.

Regulatory Requirement

The federal regulations at 40 CFR §403.8(f)(5) require that the POTW develop and implement an ERP. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

Requirement 9

MWRA is required to ensure that it is properly implementing its ERP in response to industrial user noncompliance.

From: Pimpare, Justin <Pimpare.Justin@epa.gov>

Sent: Thursday, February 24, 2022 2:02 PM

To: Dam, Matthew <Matthew.Dam@mwra.com>

Cc: Yarossi, Peter <Peter.Yarossi@mwra.com>; Pierre-Louis, Alix <Alix.Pierre-Louis@mwra.com>; McGrath, Tracy <Tracy.McGrath@mwra.com>; Spinale, Mark <Spinale.Mark@epa.gov>

Subject: [EXTERNAL] Industrial Pretreatment Program Audit Report

[EXTERNAL]: This is an external email. Do not click on links or attachments if sender is unknown or if the email is unexpected.

Hi Matt,

Please see the attached cover letter and EPA audit report. If there are any questions, please feel free to reach out.

Jay

Justin Pimpare

US EPA New England

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